

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-339-MOC

ANDREA CAROL FRYE,)
)
Plaintiff,)
)
v.)
)
MARTIN O'MALLEY,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

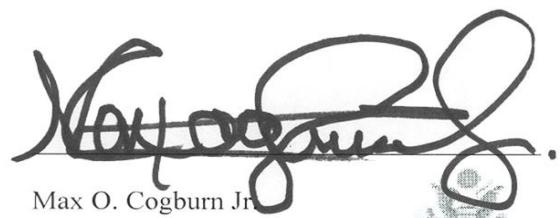
THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees. (Doc. No. 15). Defendant does not oppose the requested amount of fees. Upon review of the materials, the Court finds that Plaintiff's request for attorney fees is reasonable. The motion for attorney fees is **GRANTED**.

It is hereby ordered that Defendant will pay Plaintiff \$5,000.00 in attorney's fees in full satisfaction of all claims arising under the Equal Access to Justice Act, 28 U.S.C. § 2412. Full or partial remittance of the EAJA award will be contingent on a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government. If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's counsel.

The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Andrea Frye, and sent to the business address of Plaintiff's counsel. If

Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

IT IS SO ORDERED.



Max O. Cogburn Jr.
United States District Judge